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January 10, 2025

The Honorable Christopher J. Burke
U.S. District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *Bausch & Lomb Incorporated, et al. v. SBH Holdings LLC,*
C.A. No. 20-1463 (GBW) (CJB)

Dear Judge Burke:

Pursuant to the Court's Oral Order (D.I. 242), the parties provide the following indicating the order in which each party wishes the Court to review their respective pending summary judgment motions:

Plaintiffs

Plaintiffs provide the following order in which it wishes the Court to review its summary judgment motions:

1. Motion for Summary Judgment No. 1 of No Invalidity Under 35 U.S.C. § 103 (D.I. 153)
2. Motion for Summary Judgment No. 3 of No Invalidity Under 35 U.S.C. § 112 and Broadening During Reexamination (D.I. 155)
3. Motion for Summary Judgment No. 2 of No Invalidity for Double Patenting of the '522 Patent (D.I. 154)
4. Motion for Summary Judgment No. 4 of No Invalidity or Unenforceability for SBH's Other Unsupported Defenses (D.I. 156)
5. Motion for Summary Judgment No. 5 of Infringement (D.I. 157)

Defendant

Without prejudice to its pending motion (D.I. 246), SBH's order is: (1) No. 3; (2) No. 2; (3) No. 4; (4) No. 8; (5) No. 7; (6) No. 9; (7) No. 1; (8) No. 5; (9) No. 6. However, the Court is urged to consider SBH's Nos. 2, 3 and 4 together as one motion, as all are directed to lack of

DOE infringement and they all were one motion in the original notice of motion (D.I. 150), but were only split “for the Court’s administrative purposes” into “motions”, per the Court’s Oral Order (D.I. 170) into three separate “motion/grounds”

Respectfully,

/s/ Derek J. Fahnestock

Derek J. Fahnestock (#4705)

DJF/rah

cc: All Counsel of Record (*via* CM/ECF and e-mail)